

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
OCTOBER 23, 2013
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Answering Roll Call: Scherer, Fischer, Potts, Kilberg, Halva, Carr, Platteter, Forrest, Staunton

Absent from Roll Call: Schroeder, Grabel

III. APPROVAL OF MEETING AGENDA

Commissioner Platteter moved approval of the November 13, 2013 meeting agenda. Commissioner Fischer seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Carr

V. COMMUNITY COMMENT

During "Community Comment," the Planning Commission will invite residents to share new issues or concerns that haven't been considered in the past 30 days by the Commission or which aren't slated for future consideration. Individuals must limit their comments to three minutes. The Chair may limit the number of speakers on the same issue in the interest of time and topic. Generally speaking, items that are elsewhere on this morning's agenda may not be addressed during Community Comment. Individuals should not expect the Chair or Commission Members to respond to their comments today. Instead, the Commission might refer the matter to staff for consideration at a future meeting.

No public comment.

VI. PUBLIC HEARINGS

A. Variance. Robert N. Eldridge. 4200 Alden Drive, Edina, MN

Planner Presentation

Planner Aaker reported the subject property, is a corner lot located at the corner of 42nd Street West and Alden Drive consisting of a one and one half story home with an attached tuck-under one car garage. The owner is proposing to tear down the existing home and rebuild a new single family home on the property. The new home will conform to all of the zoning ordinance requirements with the exception of north street setback.

Continuing, Planner Aaker asked the Commission to note the property is subjected to two front yard setbacks, along both west 42nd Street and Alden Drive, The existing home was built in 1946 and is nonconforming regarding street setback to the north lot line. The north lot line is adjacent to west 42nd Street requiring a setback equal to the setback provided by the home to the west at 4107 42nd Street. The home to the west, fronting west 42nd Street, provides a setback of 42.5 feet. The subject property's attached garage is 5.8 feet from the north lot line. The required setback from the lot line adjacent to west 42nd Street for the subject property is dictated by the neighbor to the west even though the current home/garage provides a 5.8 foot setback to the north lot line.

Planner Aaker explained that a street setback variance was not required to locate the existing house on the lot at the time it was built in 1946, so it is presumed that the nonconforming setback from west 42nd Street must have complied with the ordinances at the time. The home is currently severely nonconforming given the location of the neighbor to the west and would still be nonconforming from setback requirements on a typical corner lot. The proposed home will, however, improve upon existing nonconforming side street setbacks.

Planner Aaker added it should be noted that the required side street setback of 42.5 feet renders the subject lot unbuildable given the 52 foot lot width of the subject property. The required south and north setbacks create a buildable area consisting of a 4.9 foot wide strip. There is no opportunity to build on the lot without the benefit of a variance.

Planner Aaker concluded that staff recommends approval of the variance based on staff findings:

- 1) With the exception of the variances requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it will allow modifications to an existing nonconforming situation and will allow for deeper setbacks than currently provided.

- b. The practical difficulties in complying with the ordinances are the existing nonconforming setbacks of the current home/garage, the narrow lot width to provide adequate buildable area and the setback required from west 42nd Street that was set by the teardown-rebuild of the home next door to the west.

Approval of the variance is also subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions Survey date stamped: October 3, 2013 and Building plans and elevations date stamped: October 8, 2013.

Discussion

Commissioner Platteter questioned the building height, adding he assumed the allowed height is 30-feet. Planner Aaker responded that currently the height requirement is 2 ½ stories, 30-feet to the midpoint and 35-feet to the ridge. Aaker acknowledged the recent changes to the ordinance limiting height to 30-feet; however, those changes don't take effect until after the first of the year.

Chair Staunton commented that one of the issues with this lot is its corner status. He asked Planner Aaker how the City determines what the "front" is on a corner lot. Aaker said "front" is determined by width, adding the narrower dimension of the lot is considered front. In this instance the lot fronts Alden; however, because of the front yard setback of the adjacent house to the west this lot is required by ordinance to maintain two front yard setbacks. In this instance if that requirement is enforced the lot is unbuildable. Staunton commented that from the side the elevation appears high. Aaker agreed; however, she pointed out it could be higher.

Commissioner Carr asked Planner Aaker if the side wall would be required to meet the sidewall articulation ordinance. Aaker responded that requirement also doesn't take effect until January 1, 2014. Carr commented it appears the building walls on the proposed house do contain architectural elements.

Applicant Presentation

Mr. Eldridge thanked the Commission and reported this was an interesting lot to work with. He noted as previously mentioned that the lot is virtually unbuildable without variance approval. With regard to building height Eldridge said he wouldn't be averse to lowering the building height by 1-foot. Continuing, Eldridge said because of the garage elevation they want to ensure the garage is properly drained, adding a floor drain would also be installed in the garage. Concluding, Eldridge said this house was designed with a look to the future.

Discussion

Chair Staunton stated special attention must be paid to drainage patterns for this lot, pointing out there already is a concern with the garage and drainage patterns. Staunton also noted that in these small lot neighborhoods the impact of a new house on drainage (if not monitored carefully) could be significant.

Mr. Eldridge agreed adding that water runoff will be directed to the front yard area. Eldridge said the roof lines and roof systems were also designed to control water runoff.

Chair Staunton asked how the site would be managed during construction. Mr. Eldridge said a silt fence would be erected and everything required in the new 411 would be implemented. Eldridge said he doesn't anticipate any issues. Staunton stressed that drainage should be a priority. Eldridge agreed.

Commissioner Platteter suggested that Mr. Eldridge reduce the building height to be more in keeping with the upcoming Ordinance change.

Commissioner Grabiell questioned if the proposed house violates existing building height requirements. Planner Aaker responded it does not; the house is being constructed to code.

Public Hearing

Chair Staunton asked if there was anyone in the audience that would like to speak to the issue; being none; Commissioner Platteter moved to close the public hearing. Commissioner Grabiell seconded the motion. All voted aye; motion carried.

Motion

Commissioner Grabiell moved variance approval based on staff findings and subject to staff conditions. Commissioner Carr seconded the motion. All voted aye; motion carried.

VII. CHAIR AND COMMISSION COMMENTS

Chair Staunton reminded Commissioners there will be no Planning Commission meeting on November 27th. Staunton said he and Planner Teague are still working on a time for Roger Knutson, City Attorney to visit. Staunton said at this time they are looking at a work session the first week in December. Staunton asked the Commissions to look at their calendars to see if the first week in December works.

VIII. ADJOURNMENT

Commissioner Fischer moved meeting adjournment at 7:40 PM. Commissioner Carr seconded the motion. All voted aye; motion carried.

JACKIE HOOGENAKKER

Respectfully submitted